

1 **AN ACT** *to renumber and amend* 48.981 (9) (a); *to amend* 48.245 (3), 48.255 (1) (a),
2 48.42 (1) (a), 48.63 (1) (c), 48.977 (4) (b) 1., 48.979 (1m) (a) 1., 49.32 (1) (a), 54.34
3 (1) (a), 938.245 (3) and 938.255 (1) (a); and *to create* 48.981 (9) (a) 2. and 48.981
4 (9) (a) 3. of the statutes; **relating to:** including a statement as to whether a child has
5 been adopted in a petition or written agreement for a proceeding under the Children’s
6 Code or Juvenile Justice Code and in a petition for guardianship of a minor, and
7 requiring an annual report to the Governor and the Legislature.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the Joint Legislative Council’s Study Committee on Adoption Disruption and Dissolution.

Under current law, information regarding a child who enters the child welfare system is recorded into the Wisconsin Statewide Automated Child Welfare Information System (eWiSACWIS). The system maintains information on all aspects of a child welfare case, including intake, assessment, case management, and court proceedings. Generally, information on whether a child is adopted is not recorded. However, federal law requires a report to the U.S. Department of Health and Human Services, Administration for Children and Families, on children who entered state custody after being adopted from another country, and, under the newly-enacted Preventing Sex Trafficking and Strengthening Families Act of 2014, will require reporting on all children who entered state custody after being adopted.

This draft requires certain petitions and agreements related to the welfare of a child to state whether the child has previously been adopted. This information is required in all cases in which the adoption status is known or can be ascertained, and is required whether the adoption occurred in the United States or another country. The status information then becomes a part of the child’s case record, to track when a child who has previously been adopted is subject to proceedings under the child welfare system or juvenile justice system, or when an adoption is

dissolved by a termination of parental rights. Recording of a child's adoption status is not required for a child or juvenile who is held in custody for less than 48 hours (excluding weekends and legal holidays) and who is released to the parent, guardian, or legal custodian without a hearing.

This draft also requires the Department of Children and Families (DCF) to submit an annual report to the Governor and the Legislature, beginning on December 31, 2017, regarding the number of children who have previously been adopted or given a guardian who enter out-of-home care in the child welfare or juvenile justice system during the preceding calendar year. The report may include information on the circumstances of the child's adoption or guardianship, and any other aspects associated with the child in order to better understand how such children may enter the child welfare or juvenile justice system.

1 **SECTION 1.** 48.245 (3) of the statutes is amended to read:

2 48.245 (3) The obligations imposed under an informal disposition and its effective date
3 shall be set forth in writing. The written agreement shall state whether the child has been
4 adopted. The child and a parent, guardian, and legal custodian; the child expectant mother,
5 her parent, guardian, and legal custodian, and the unborn child's guardian ad litem; or the adult
6 expectant mother and the unborn child's guardian ad litem, shall receive a copy, as shall any
7 agency providing services under the agreement.

NOTE: This SECTION requires a written agreement for an informal disposition to state whether the child has been adopted. Obligations under an informal disposition may be imposed in lieu of the filing of a petition for a child who is alleged to be in need of protection or services.

8 **SECTION 2.** 48.255 (1) (a) of the statutes is amended to read:

9 48.255 (1) (a) The name, birth date and address of the child, and whether the child has
10 been adopted.

NOTE: This SECTION requires a petition for a child alleged to be in need of protection or services to state whether the child has been adopted.

11 **SECTION 3.** 48.42 (1) (a) of the statutes is amended to read:

1 48.42 (1) (a) The name, birth date or anticipated birth date, and address of the child and
2 whether the child has been adopted.

NOTE: This SECTION requires a petition for termination of parental rights
 to state whether the child has been adopted.

3 **SECTION 4.** 48.63 (1) (c) of the statutes is amended to read:

4 48.63 (1) (c) Voluntary agreements may be made only under par. (a) or (b) or sub. (5)
5 (b), shall be in writing, shall state whether the child has been adopted, and shall specifically
6 state that the agreement may be terminated at any time by the parent, guardian, or Indian
7 custodian or by the child if the child's consent to the agreement is required. In the case of an
8 Indian child who is placed under par. (a) or (b) by the voluntary agreement of the Indian child's
9 parent or Indian custodian, the voluntary consent of the parent or Indian custodian to the
10 placement shall be given as provided in s. 48.028 (5) (a). The child's consent to an agreement
11 under par. (a) or (b) is required whenever the child is 12 years of age or older.

NOTE: This SECTION requires a written agreement for voluntary
 placement of a child in a foster home, group home, or a shelter care
 facility to state whether the child has been adopted.

12 **SECTION 5.** 48.977 (4) (b) 1. of the statutes is amended to read:

13 48.977 (4) (b) 1. The name, birth date and address of the child, and whether the child
14 has been adopted.

NOTE: This SECTION requires a petition for appointment of a guardian
 for a child or juvenile who has been found to be in need of protection or
 services to state whether the child or juvenile has been adopted.

15 **SECTION 6.** 48.979 (1m) (a) 1. of the statutes is amended to read:

16 48.979 (1m) (a) 1. The name, address, and date of birth of the child who is the subject
17 of the delegation of powers, and whether the child has been adopted.

NOTE: This SECTION requires a petition for court approval of a
 delegation of parental powers to an agent who is not a relative of the

child, which is to remain in effect for longer than one year, to state whether the child has been adopted.

1 **SECTION 7.** 48.981 (9) (a) of the statutes is renumbered 48.981 (9) (a) (intro.) and
2 amended to read:

3 48.981 (9) (a) *Annual reports.* Annually, the department shall prepare and transmit to
4 the governor, and to the legislature under s. 13.172 (2), a report on the all of the following:

5 1. The status of child abuse and neglect programs and on the status of unborn child abuse
6 programs. The report shall include a full statistical analysis of the child abuse and neglect
7 reports, and the unborn child abuse reports, made through the last calendar year, an evaluation
8 of services offered under this section and their effectiveness, and recommendations for
9 additional legislative and other action to fulfill the purpose of this section. The department
10 shall provide statistical breakdowns by county, if requested by a county.

NOTE: This SECTION revises the structuring of a provision that requires annual reporting by DCF to the legislature, in order to incorporate other annual reports.

11 **SECTION 8.** 48.981 (9) (a) 2. of the statutes is created to read:

12 48.981 (9) (a) 2. The number of adoptions under the special needs adoption program
13 granted in the preceding calendar year and the costs to the state for services relating to such
14 adoptions.

NOTE: This SECTION incorporates an annual reporting provision required under a separate provision of current law.

15 **SECTION 9.** 48.981 (9) (a) 3. of the statutes is created to read:

16 48.981 (9) (a) 3. The number of children during the preceding calendar year who
17 entered out-of-home care under the placement and care responsibility of a county department
18 or the department under ch. 48 or 938 after finalization of an adoption or guardianship. The
19 report may include information concerning the length of the prior adoption or guardianship,

1 the age of the child at the time of the prior adoption or guardianship, the age at which the child
2 subsequently entered such out-of-home care, the type of agency involved in making the prior
3 adoptive or guardianship placement, and any other factors determined necessary to better
4 understand factors associated with a child entering such out-of-home care after finalization
5 of an adoption or guardianship.

NOTE: This SECTION requires DCF to submit an annual report to the Legislature regarding the number of children who have previously been adopted or given a guardian who enter out-of-home care in the child welfare or juvenile justice system during the preceding calendar year. The report may include information on the circumstances of the child's adoption or guardianship, and any other aspects associated with the child in order to better understand how such children may enter the child welfare or juvenile justice system.

6 **SECTION 10.** 49.32 (1) (a) of the statutes is amended to read:

7 49.32 (1) (a) Except as provided in s. 49.345 (14) (b) and (c), the department shall
8 establish a uniform system of fees for services provided or purchased under this subchapter
9 and ch. 48 by the department, or a county department under s. 46.215, 46.22, or 46.23, except
10 as provided in s. 49.22 (6) and except when, as determined by the department, a fee is
11 administratively unfeasible or would significantly prevent accomplishing the purpose of the
12 service. A county department under s. 46.215, 46.22 or 46.23 shall apply the fees that it
13 collects under this program to cover the cost of those services. ~~The department shall report
14 to the joint committee on finance no later than March 1 of each year on the number of children
15 placed for adoption by the department during the previous year and the costs to the state for
16 services relating to such adoptions.~~

NOTE: This SECTION deletes an annual reporting provision that is incorporated into SECTION 8 of this draft.

17 **SECTION 11.** 54.34 (1) (a) of the statutes is amended to read:

